

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF PUERTO RICO**

3   **UNITED STATES OF AMERICA,**

4   **Plaintiff,**

5   **v.**

**CIVIL NO. 12-2039 (GAG)**

6   **COMMONWEALTH OF PUERTO RICO,**  
7   **et al.,**

8   **Defendant.**

9                                   **ORDER REGARDING PROTOCOLS FOR THE HANDLING OF CIVILIAN**  
10                                  **COMPLAINTS AND COMMUNITY ENGAGEMENT**

11           The Parties and the TCA agree and jointly request the Court approve the following  
12 protocols for the Handling of Civilian Complaints and Community Engagement by the  
13 Technical Compliance Advisor in furtherance of the Agreement for the Sustainable Reform of  
14 the Puerto Rico Police Department. (Docket No. 330.) The Court hereby **APPROVES** and  
15 **ADOPTS** the following joint stipulations reached between the parties and the TCA, regarding  
16 protocols for the handling of civilian complaints and community engagement by the TCA agreed  
17 upon by the parties and the TCA. The Court retains authority to review, modify or suspend said  
18 agreements when circumstances so warrant, or, upon request of the parties and/or TCA.

19           1. Civilian Complaints

20           During the course of the TCA's duties, he may receive information from individuals  
21 alleging administrative violations, criminal behavior, or other misconduct by Puerto Rico Police  
22 Department ("PRPD") officers, agents, or employees. The Agreement does not authorize the  
23 TCA to investigate or adjudicate such complaints. In order to ensure the proper handling of  
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1 these complaints, the Parties and the TCA stipulate and agree that the TCA will take the  
2 following steps:

- 3 a. The TCA will receive and forward complaints or allegations of administrative  
4 violations, criminal behavior or other misconduct by PRPD officers, agents, or  
5 employees that are brought to his attention. The TCA or his designee will advise  
6 the complainant or person making the allegation that the TCA is not authorized to  
7 investigate or adjudicate complaints and that the TCA will refer the matter to the  
8 Reform Unit of PRPD and simultaneously copy counsel for the Parties. The  
9 TCA or his designee will also advise the complainant that he or she may make  
10 their complaint directly to PRPD or the Parties.
- 11 b. In highly sensitive matters or situations in which the complainant does not want to  
12 be identified, the TCA will take appropriate safeguards in disclosing information  
13 to the Parties, including limiting notice to only counsel for the Parties or  
14 otherwise maintaining the confidentiality of the complainant.
- 15 c. The TCA or his designee shall promptly notify the Reform Unit and counsel for  
16 the Parties in writing of all complaints received by the TCA. The Reform Unit or  
17 counsel for the Parties will route the complaints to the proper investigative  
18 authority, if warranted, and take any other action they deem necessary.
- 19 d. PRPD will inform the TCA and the Parties the status of complaints forwarded by  
20 the TCA every six months, specifically June and December each year.
- 21 e. If a complaint requires immediate attention or involves an urgent or emergency  
22 situation, the TCA or his designee may refer the complaint directly to a federal or  
23 local law enforcement agency. The TCA or his designee will simultaneously  
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1 notify counsel for the Parties in writing that such a referral was made.

- 2 f. The TCA may not interfere or impede an investigation or any criminal, civil, or  
 3 administrative proceeding. If the TCA is unclear or has questions whether any  
 4 specific action would interfere or impede an investigation or a criminal, civil, or  
 5 administrative proceeding, the TCA or his designee will consult with counsel for  
 6 the Parties.

7 2. Community Engagement by the TCA

8 Paragraph 254 of the Agreement and Section 6 of the Sealed Order of December 10,  
 9 2015, Docket No. 288, govern the TCA's meetings with community stakeholders. Specifically,  
 10 the Agreement authorizes the TCA to meet with a broad cross-section of community  
 11 stakeholders on the implementation of reforms and consider their input in assessing the  
 12 Commonwealth's compliance. The Parties and the TCA stipulate and agree that the TCA will  
 13 take the following additional steps to meet these requirements:

- 14 a. Whenever the TCA plans to meet with a community stakeholder, as defined in  
 15 Paragraph 254 of the Agreement, the TCA or his designee will notify the Parties  
 16 in writing within three business days of the meeting. The TCA or his designee  
 17 will provide relevant information, such as the anticipated participants and the  
 18 purpose of the meeting. If the TCA or his designee is unable to provide advance  
 19 notice due to exceptional circumstances, such as an urgent or emergency request  
 20 for a meeting, the TCA or his designee will notify the Parties in writing as soon as  
 21 practicable after the meeting.
- 22 b. Whenever a community stakeholder requests the assistance from the TCA in  
 23 connection with a public meeting, conference, forum, event, or activity, the TCA  
 24 or his designee will notify the Parties in writing within five calendar days of the

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request. If one or both Parties deem the request to be outside the authority of the TCA, contrary to the Agreement or the Court's Orders, or otherwise improper, the Party may object to the request. The Parties will make their objection in writing within five calendar days of the request and specify the basis of their objection. The TCA will make good faith efforts to resolve the objection. If the TCA is unable to resolve the Party's objection, the TCA may seek assistance from the TCA's constitutional lawyers or petition the Court.

**SO ORDERED.**

In San Juan, Puerto Rico this 7th day of March, 2016.

*s/ Gustavo A. Gelpí*  
GUSTAVO A. GELPI  
United States District Judge